

State of California
Business, Consumer Services and Housing Agency
California Department of Housing and Community Development
DUTY STATEMENT

Division: Legal Affairs Division
Unit: 104
Position Number: 401-104-5795-xxx (PS 1972)
Classification: Attorney III
Working Title: Not Applicable
Location: Sacramento, Headquarters
Incumbent: Vacant
Effective Date: TBD

Department Statement: You are a valued member of the Department's team. You are expected to work cooperatively with team members and others to enable the Department to provide the highest level of service possible. Your creativity and ingenuity are encouraged. Your efforts to maintain regular attendance and treat others fairly, honestly, and with respect are critical to the success of the Department's mission.

Job Summary: Under general direction of the Assistant Chief Counsel within the Legal Affairs Division (LAD), the Attorney III independently performs the more complex and sensitive legal services with broad discretion in serving the Division of Housing Policy Development (HPD). This position will be responsible for a wide variety of the most difficult, complex land use policy, programming, and planning issues; legal research; legal advice; legal opinions; legislative review, analysis, and drafting; and litigation.

% of Time	Essential Functions:
40%	<u>Tribal Law.</u> Deals with complex legal questions involving tribal law and the Department's implementation of AB 1010, including provisions of tribal law, tribal governance, tribal charter, and tribal entity or agency legal structures and their respective interface with the requirements of any state financing being provided to a housing development by the department. Handles challenging tribal law issues such as, but not limited to, tribal sovereignty and its interaction with HCD programs, financing, grants, and contracting; approaches to personal and subject matter jurisdiction; tribal court procedures and rules; the intersection between federal and California law in regards to tribal matters; forms of tribal title to land and related issues arising out of security interests, title insurance, and recordation; tribal contracting and the impact of tribal governance and constitutional structure thereon; tribal entities; tribal housing authorities; tribal land use; and various and all manner of other tribal legal distinctives and their interaction with HCD programs and funding. Provides related support to HPD in the implementation of AB 1010 and other related laws and policies, including review of technical assistance memoranda and other guidance documents, meeting and correspondence with

stakeholders, and the development of guidelines and regulations. Closely supports HPD's tribal affairs team in all respects.

20% Housing Program Development, Finance, Contract Drafting and Review. Complex transactions will involve novel structures of loan and grant projects where no templates or precedent provide a clear path to a smooth resolution. Maintains up-to-date expertise in lending and grant programs undergoing frequent regulatory change. Sensitive issues may include, bankruptcy matters, contact with the legislature, the need to timely resolve conflicting interests, matters falling under the auspices of AB 1010, and similar matters. In addition, assist in development of program guidelines and regulations for new and existing housing finance programs and grants, with a special emphasis on tribal law and programs to facilitate tribal applications and funding.

20% Land Use and Housing Policy. Deals with complex legal questions involving the application of Planning and Zoning Law, housing policy and program development, compliance with general plans, housing element law, entitlements, and other housing related laws. Handles challenging land use issues such as Regional Housing Needs Allocation, CEQA, Subdivision Map Act, Density Bonus Law, Housing Accountability Act, no-net-loss in zoning density law, housing preservation law, housing sustainability districts, workforce housing opportunity zones, state and federal fair housing law, and accessory dwelling units law. In addition, assist in development of program guidelines and regulations for new and existing housing finance programs and other housing policies and programs, including those potentially involving novel structures of loan and grant projects where no templates or precedent provide a clear path to resolution. Analyze, address, and otherwise handle challenging issues and develop strategies to assist the Housing Policy Division in exercising its enforcement authority and powers under AB 72 and other laws governing housing.

15% Legislation and Advocacy. Performs legislative analyses and drafts proposed legislation to accomplish department policy objectives. Is familiar with statutory construction and provides legal and policy advice to the department ensuring that relevant State and federal statutes, and proposed amendments, are interpreted consistent with applicable law and the department's mission and statutory responsibilities. Leads, chairs, contributes, and participates on councils, panels, and committees impacting the department and its mission

% of Time **Marginal Functions:**
5% Performs other job-related duties as assigned.

Special Requirements: (Define all that apply)

Travel: Up to 5% overnight travel throughout the state may be required.

Supervision Exercised: None

Conflict of Interest (COI): Form 700 reporting required

Background Check: None

Live Scan: None

Bilingual, specify language: None

License/Certification: None

Medical Clearance: None

Other, please specify: None

Physical Requirements: Ability to sit for long periods of time at a computer; walk; bend; stoop; and stand for periods at a time.

Working Conditions: Environment- Air conditioned, high rise building with elevator access, cubicle or office with natural and artificial lighting.

Supervision Received: The incumbent will receive general direction from the Assistant Chief Counsel and may receive occasional direction from the Deputy General Counsel, and General Counsel of the Legal Affairs Division.

Supervision Exercised: None.

Administrative Responsibility: None.

Personal Contacts: The incumbent will interact on an ongoing basis with program staff, supervisors, managers and deputy directors. The incumbent will interact with counsel representing governmental entities, borrowers, borrowers' consultants and lobbyists, and lenders on department projects. In addition, the incumbent will be responsible for advising the department in complicated and sensitive matters related to housing law. The incumbent in this position is expected to be highly independent and skilled and able to determine the critical issues to be addressed with minimum supervision. In addition, the incumbent must be able to work cooperatively and effectively with program staff and outside counsel.

Consequence of Action: If the duties described above are not handled competently and professionally, significant liability could occur, negatively impacting the department's performance of its mission. In addition, the failure to provide sound advice and representation can result in significant liability to the department. The incumbent's actions can determine success in lawsuits and administrative appeals.

Other Information: Should be proficient in and have an extensive knowledge of the application of Planning and Zoning Law related to but not limited to housing policy and program development. Should have a comprehensive knowledge all legal aspects of real estate planning, entitlements, multi-family housing finance, and development.

Equal Employment Opportunity: All HCD employees are expected to conduct themselves in a professional manner that demonstrates respect for all employees and others they come in contact with during work hours, during work-related activities, and anytime they represent the Department. Additionally, all HCD employees are responsible for promoting a safe and secure work environment, free from discrimination, harassment, inappropriate conduct, or retaliation.

I have read and understand the duties and requirements listed above and am able to perform these duties with or without reasonable accommodation. (If you believe reasonable accommodation may be necessary, or if unsure of a need for reasonable accommodation, inform the hiring supervisor.)

Employee Name: _____ Date: _____

Employee Signature: _____

I certify this duty statement represents an accurate description of the essential functions of this position. I have discussed the duties and have provided a copy of this duty statement to the employee named above.

Supervisor Name: _____ Date: _____

Supervisor Signature: _____

*Please return the signed original duty statement to the Human Resources Branch to be filed in the Official Personnel File.